

Ordinance No. G- 2016-20

Introduced By: Dan McGinn – Ward 1

Committee: Public Works

AN ORDINANCE TO VACATE CERTAIN PUBLIC WAYS OR PUBLIC PLACES WITH THE CITY OF EVANSVILLE, INDIANA, COMMONLY KNOWN AS THAT PORTION OF A 10-FOOT PUBLIC UTILITY EASEMENT ON LOT 26 IN EAST POINTE BUSINESS PARK, SECTION 4, ALSO THAT PART OF A 10-FOOT PUBLIC UTILITY EASEMENT ON LOT 12 IN EAST POINTE BUSINESS PARK, SECTION 6, ALSO ALL THAT PART OF A LAKE MAINTENANCE AND STORM DRAINAGE EASEMENT ON LOT 12 IN EAST POINTE BUSINESS PARK, SECTION 6

BE IT ORDAINED by the Common Council of the City of Evansville, Indiana, as follows, to wit:

SECTION I

That pursuant to EMC 12.05.450, a sworn petition was presented to the Common Council of the City of Evansville, requesting that the public place or way described in Section III below be vacated by the City of Evansville.

SECTION II

After due and proper notice a timely public hearing was convened by the Common Council, at which time all interested persons were permitted to address the Common Council regarding said vacation.

SECTION III

That the Common Council of the City of Evansville, after due investigation and consideration has determined that the nature and extent of the public use and the public interest to be subserved as such as to warrant the vacation of that part of the public way or place described as follows, and further indicated by the words “To Be Vacated” on the drawing hereto attached as Exhibit “A”, which is made a part of this Ordinance.

Easement 1:

Part of a 10-foot Public Utility Easement across Lot 26 in East Pointe Business Park, Section 4, as per plat thereof, recorded in Plat Book R, page 117 in the office of the Recorder of Vanderburgh County, Indiana and being described as follows:

FILED

JUN 08 2016

Anna W. Widener
CITY CLERK

Beginning at the Southeast Corner of said Lot 26; thence along the south line of said lot, North 88 degrees 28 minutes 15 seconds West 160.00 feet to the beginning of a curve to the right, having a central angle of 56 degrees 26 minutes 34 seconds, a radius of 60.00 feet and a chord dimension of North 60 degrees 14 minutes 58 seconds West 56.75 feet; thence continue along the south side of said lot and along the arc of said curve 59.11 feet to a point located 10.00 feet east of and perpendicular to the east right-of-way of Diego Drive; thence parallel with the east right-of-way of Diego Drive, North 01 degree 31 minutes 45 seconds East 33.17 feet to the beginning of a curve to the left having a central angle of 90 degrees 00 minutes 00 seconds, a radius of 50.00 feet and a chord dimension of South 43 degrees 28 minutes 15 seconds East 70.71 feet; thence along the arc of said curve 78.54 feet; thence South 88 degrees 28 minutes 15 seconds East 160.00 feet to a point on the east line of said Lot 26; thence along the east line of said lot, South 01 degree 31 minutes 45 seconds West 10.00 feet to the point of beginning and containing a gross area of 2,239 square feet more or less.

Easement 2:

Part of a 10-foot Public Utility Easement across Lot 12 in East Pointe Business Park, Section 6, as per plat thereof, recorded in Plat Book S, page 65 in the office of the Recorder of Vanderburgh County, Indiana and being described as follows:

Beginning at the Northeast Corner of said Lot 12; thence along the east line of said lot, South 01 degree 32 minutes 43 seconds West 10.00 feet; thence North 88 degrees 28 minutes 15 seconds West 290.07 feet to the beginning of a curve to the left having a central angle of 90 degrees 00 minutes 00 seconds, a radius of 50.00 feet and a chord dimension of South 46 degrees 31 minutes 45 seconds West 70.71 feet; thence along the arc of said curve 78.54 feet; thence South 01 degree 31 minutes 45 seconds West 190.00 feet; thence North 88 degrees 28 minutes 15 seconds West 10.00 feet to a point on the west line of said Lot 12; thence along the west line of said Lot 12, North 01 degree 31 minutes 45 seconds East 190.00 feet to the beginning of a curve to the right having a central angle of 90 degrees 00 minutes 00 seconds, a radius of 60.00 feet and a chord dimension of North 46 degrees 31 minutes 45 seconds East 84.85 feet; thence along the boundary of said Lot 12 and along the arc of said curve 94.25 feet; thence along the north line of said Lot 12, South 88 degrees 28 minutes 15 seconds East 290.07 feet to the point of beginning and containing a gross area of 5,665 square feet more or less.

Easement 3:

All that part of a Lake Maintenance and Storm Drainage Easement across Lot 12 in East Pointe Business Park, Section 6, as per plat thereof, recorded in Plat Book S, page 65 in the office of the Recorder of Vanderburgh County, Indiana and being described as follows:

Commencing at the Northeast Corner of said Lot 12; thence along the east line of said lot, South 01 degree 32 minutes 43 seconds West 631.32 feet to the southeast corner thereof; thence along the south line of said Lot, South 55 degrees 45 minutes 35 seconds West 54.85 feet; thence continue along the south line of said Lot, South 30 degrees 28

minutes 50 seconds East 19.80 feet to the north right-of-way of Marco Drive; thence continue along the south line of said Lot and along the north right-of-way of Marco Drive, South 55 degrees 46 minutes 11 seconds West 5.76 feet to the point of beginning and also being the beginning of a curve to the right having a central angle of 78 degrees 59 minutes 25 seconds, a radius of 190.00 feet and a chord dimension of North 84 degrees 44 minutes 07 seconds West 241.68 feet; thence continue along the south line of said Lot and along the north right-of-way of Marco Drive and along the arc of said curve 261.94 feet; thence continue along the south line of said Lot and along the north right-of-way of Marco Drive, North 45 degrees 14 minutes 24 seconds West 13.96 feet to the beginning of a curve to the left having a central angle of 13 degrees 48 minutes 53 seconds, a radius of 260.00 feet and a chord dimension of North 52 degrees 08 minutes 51 seconds West 62.54 feet; thence continue along the south line of said Lot and along the north right-of-way of Marco Drive and along the arc of said curve 62.69 feet to the beginning of a curve to the right having a central angle of 73 degrees 40 minutes 00 seconds, a radius of 60.00 feet and a chord dimension of North 22 degrees 13 minutes 17 seconds West 71.94 feet; thence along the boundary of said Lot 12 and along the arc of said curve 77.14 feet; thence along the boundary of said Lot 12, North 14 degrees 36 minutes 43 seconds East 56.30 feet to the beginning of a curve to the left having a central angle of 08 degrees 47 minutes 31 seconds, a radius of 260.00 feet and a chord dimension of North 10 degrees 12 minutes 57 seconds East 39.86 feet; thence along the boundary of said Lot 12 and along the arc of said curve 39.90 feet; thence South 88 degrees 40 minutes 24 seconds East 120.99 feet; thence South 38 degrees 17 minutes 30 seconds East 135.00 feet; thence South 51 degrees 24 minutes 07 seconds East 50.00 feet; thence South 34 degrees 25 minutes 58 seconds East 110.00 feet to the point of beginning and containing a gross area of 52,534 square feet more or less.


Therefore, the Common Council of the City of Evansville, Indiana, does hereby find the above-described public way or place is no longer required for public use and the public interest will be served by such vacation, and the Common Council of the City of Evansville does hereby vacate that portion of the public way or place described in Section III which is subject to the terms and conditions as stated in this Ordinance.

Passed by Common
Council 6127116.



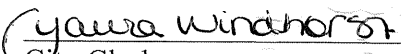
President

ATTEST:



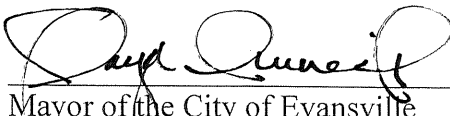
City Clerk

Presented to me, the undersigned, City Clerk of the City of Evansville, Indiana, to the mayor of said city on the 28 day of June, 2016.



City Clerk

Having examined the foregoing Ordinance, I do now, as Mayor of the City of Evansville, Indiana, approve said Ordinance, and return the same to the City Clerk this 29th day of June, 2016, at 7:30 AM o'clock.

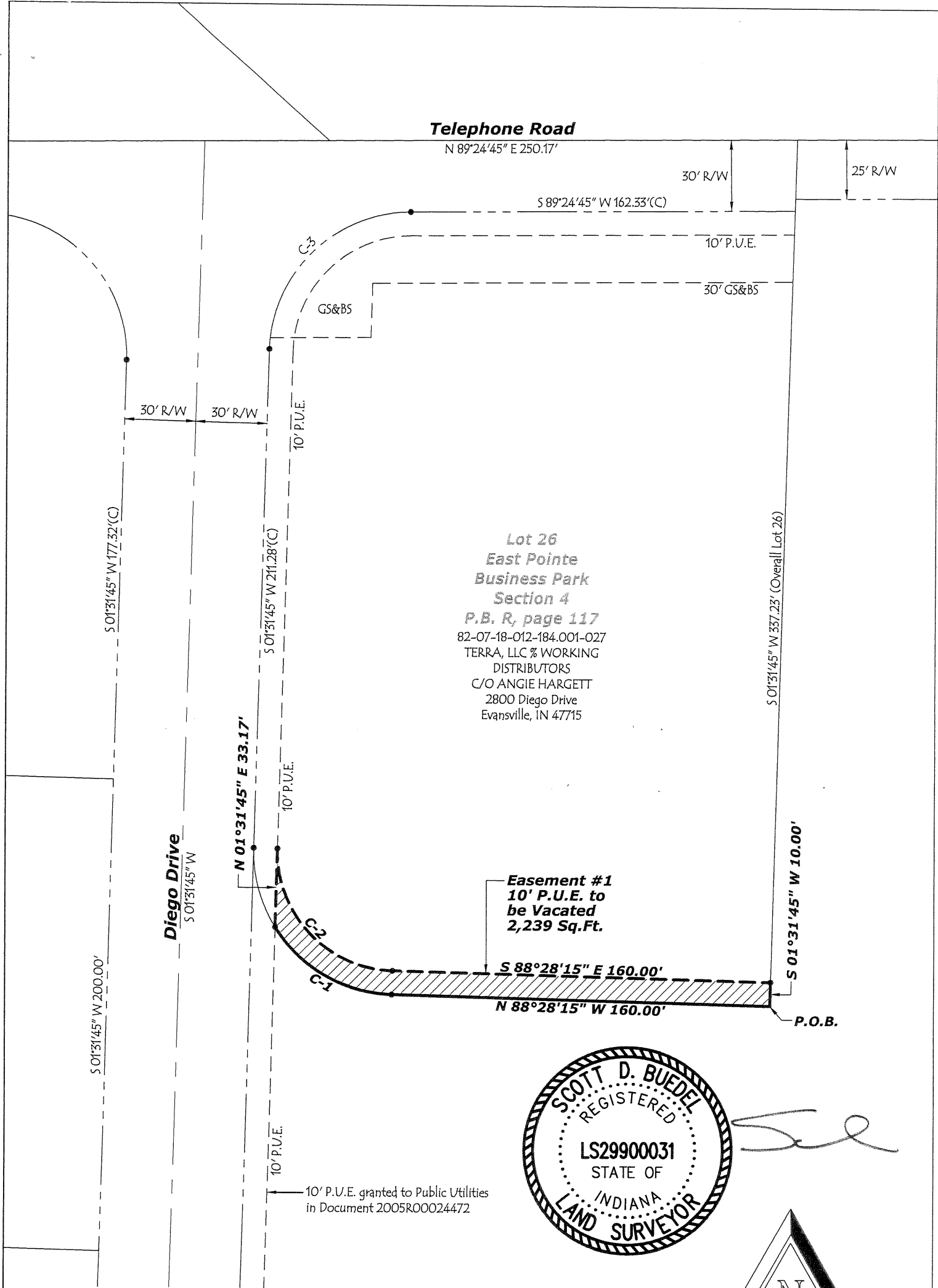


Mayor of the City of Evansville

This instrument prepared by Scott D. Buedel of Cash Waggoner & Associates, PC; 414 Citadel Circle, Suite B; Evansville, IN, 47715; Telephone: (812) 401-5561.

I affirm, under penalty of perjury, that I have taken reasonable care to redact each Social Security Number in this document, unless required by law.

Scott D. Buedel



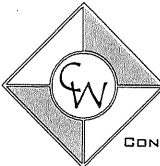
Curve Data

NUMBER	DELTA ANGLE	CHORD DIRECTION	TANGENT	RADIUS	ARC LENGTH	CHORD LENGTH
C-1	56°26'34"	N 60°14'58" W	32.20	60.00	59.11	56.75
C-2	90°00'00"	S 43°28'15" E	50.00	50.00	78.54	70.71
C-3	87°53'00"	N 45°28'15" E	57.82	60.00	92.03	83.27

SHEET 1 OF 2

EXHIBIT "A"

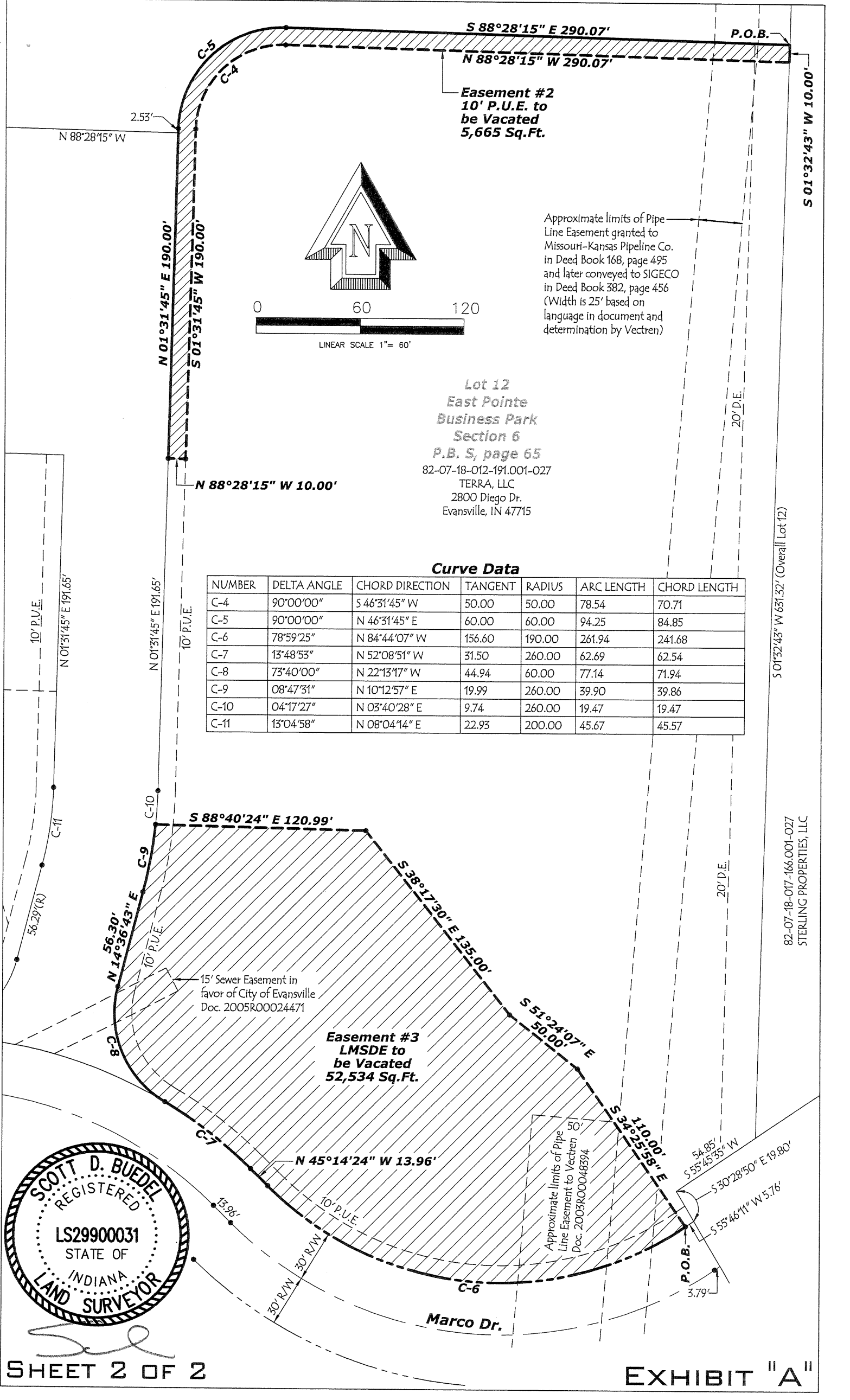
PROJECT NO.:	15-2080	CLIENT	TERRA, LLC
DRAWN BY:	BUEDEL		
FILENAME:	OVERALL VACATION EXHIBIT	SHEET TITLE	VACATION EXHIBIT EAST POINTE BUSINESS PARK LOT 26 - SECTION 4 & LOT 12 - SECTION 6 EVANSVILLE, IN 47715
SCALE:	1" = 250'		
DATE:	4/14/2016		



CASH WAGGNER
& ASSOCIATES

CONSULTING ENGINEERS LAND SURVEYORS
WWW.CASHWAGGNER.COM

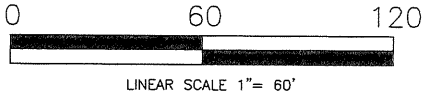
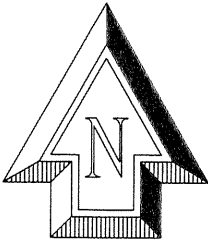
414 CITADEL CIRCLE
SUITE B
EVANSVILLE, IN 47715
PH: 812.401-5561
FAX: 812.401-5563



S 88°28'15" E 290.07'
N 88°28'15" W 290.07'

P.O.B.

Easement #2
10' P.U.E. to
be Vacated
5,665 Sq.Ft.



Approximate limits of Pipe
Line Easement granted to
Missouri-Kansas Pipeline Co.
in Deed Book 168, page 495
and later conveyed to SIGECO
in Deed Book 382, page 456
(Width is 25' based on
language in document and
determination by Vectren)

Lot 12
East Pointe
Business Park
Section 6
P.B. S, page 65

82-07-18-012-191.001-027
TERRA, LLC
2800 Diego Dr.
Evansville, IN 47715

Curve Data

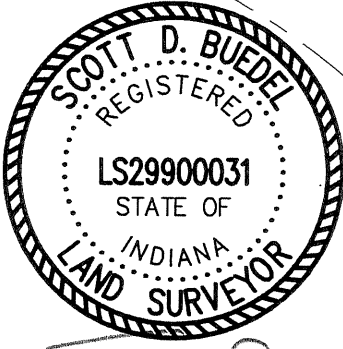
NUMBER	DELTA ANGLE	CHORD DIRECTION	TANGENT	RADIUS	ARC LENGTH	CHORD LENGTH
C-4	90°00'00"	S 46°31'45" W	50.00	50.00	78.54	70.71
C-5	90°00'00"	N 46°31'45" E	60.00	60.00	94.25	84.85
C-6	78°59'25"	N 84°44'07" W	156.60	190.00	261.94	241.68
C-7	13°48'53"	N 52°08'51" W	31.50	260.00	62.69	62.54
C-8	73°40'00"	N 22°13'17" W	44.94	60.00	77.14	71.94
C-9	08°47'31"	N 10°12'57" E	19.99	260.00	39.90	39.86
C-10	04°17'27"	N 03°40'28" E	9.74	260.00	19.47	19.47
C-11	13°04'58"	N 08°04'14" E	22.93	200.00	45.67	45.57

N 88°28'15" W 10.00'

20' D.E.

S 01°32'43" W 631.32' (Overall Lot 12)

82-07-18-017-166.001-027
STERLING PROPERTIES, LLC



STATE OF INDIANA)
) SS:
COUNTY OF VANDERBURGH)

BEFORE THE COMMON COUNCIL OF THE CITY OF EVANSVILLE

PETITION FOR VACATION OF A PUBLIC RIGHT-OF-WAY

In accordance with Section 12.05.450 of the Municipal Code for the City of Evansville, Indiana, the following parties hereby petition the Common Council of the City of Evansville to vacate a Public Utility Easement across Lot 26 in East Pointe Business Park, Section 4 and also a Public Utility Easement and a Lake Maintenance and Storm Drainage Easement across Lot 12 in East Pointe Business Park, Section 6.

1. The petitioner and owner of the real estate known as Lot 26 in East Pointe Business Park, Section 4, recorded in Plat Book R, page 117 and Lot 12 in East Pointe Business Park, Section 6, recorded in Plat Book S, page 65 is Terra, LLC at 2800 Diego Drive, Evansville, IN 47715.
2. These two lots owned by Terra, LLC are in the process of being re-platted within the limits of Terra Vista Subdivision which received primary approval by the Area Plan Commission on November 12, 2015 (Docket Number 9-S-2015). As a condition to record the new subdivision plat, the two public utility easements described in this request are required to be vacated. Also, a new drainage plan for Terra Vista Subdivision eliminates the need for the existing Lake Maintenance and Storm Drainage Easement on the south side of Lot 12, described in this request. The new drainage plan for Terra Vista Subdivision will instead route storm water to a lake on the north side of the Lot. This new lake will be constructed as a part of Terra Vista Subdivision and new Lake Maintenance and Storm Drainage Easement will be granted on the plat. The easements to be vacated have not been used for public utilities or other improvements.
3. The petitioners respectfully request that the Common Council of the City of Evansville vacate the platted public right-of-way which is more particularly described in the attached Exhibit "A".
4. A site plan identifying the right-of-way "to be vacated" is shown on the attached Exhibit "B"(Sheets 3 of 4 and 4 of 4).

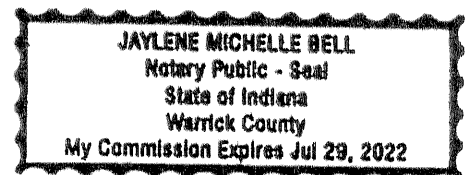
5. A location map, showing the general location of the area "to be vacated" along with all of the land owners within 200 feet are shown on the attached Exhibit "B" (Sheets 1 of 4 and 2 of 4).
6. No rights will be retained within the public rights-of-ways being vacated.
7. The response letters from the Evansville Water & Sewer Utility, the Evansville Fire Department, the City Engineer, WOW, AT&T, Time Warner Cable and Vectren indicating no objection to the proposed vacation are included.

WHEREFORE, the following petitioners respectfully request the Common Council of the City of Evansville to vacate the public right-of-way.



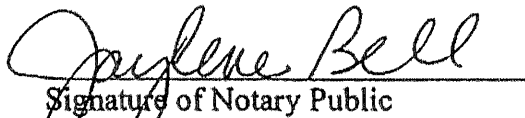
Petitioner & Owner
Terra, LLC
2800 Diego Drive
Evansville, IN 47715

STATE OF INDIANA)
) SS:
COUNTY OF VANDERBURGH)



Before me, the undersigned, a Notary Public in and for said County and State, personally appeared Jill Gander, who acknowledged the execution of the foregoing petition to be a voluntary act and deed.

WITNESS, my hand and notarial seal this 1st day of June, 2016.


Signature of Notary Public
Warrick
County of Residence of Notary

Jaylene Bell
Printed Name of Notary Public
7-29-22
My Commission Expires:

This instrument prepared by Scott D. Buedel of Cash Waggoner & Associates, PC; 414 Citadel Circle, Suite B; Evansville, IN, 47715; Telephone: (812) 401-5561.

Exhibit “A”

Vacation Description

Easement 1:

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Easement 2:

Part of a 10-foot Public Utility Easement across Lot 12 in East Pointe Business Park, Section 6, as per plat thereof, recorded in Plat Book S, page 65 in the office of the Recorder of Vanderburgh County, Indiana and being described as follows:

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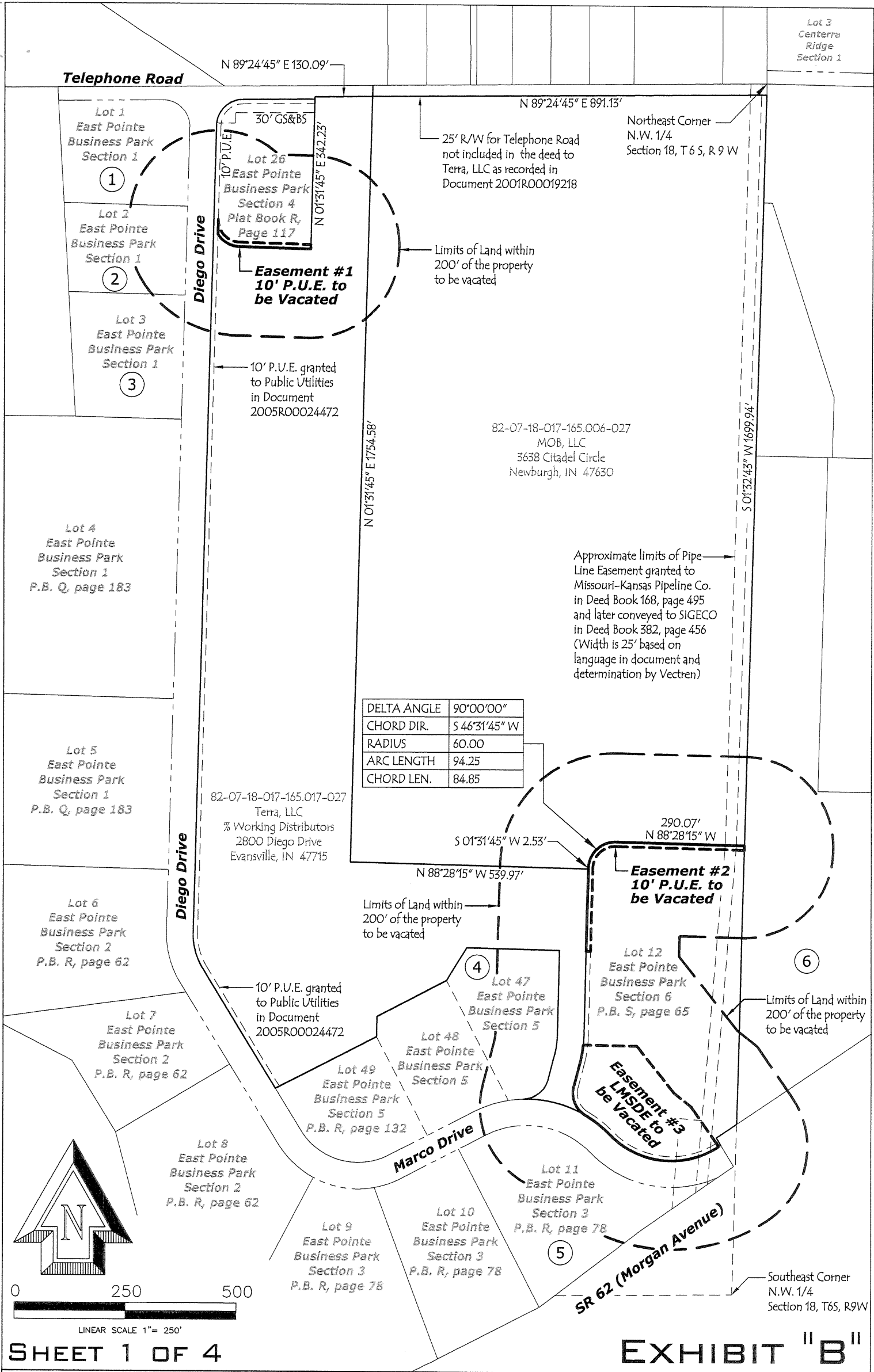
Easement 3:

All that part of a Lake Maintenance and Storm Drainage Easement across Lot 12 in East Pointe Business Park, Section 6, as per plat thereof, recorded in Plat Book S, page 65 in the office of the Recorder of Vanderburgh County, Indiana and being described as follows:

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Scott D. Buedel, PLS



SHEET 1 OF 4

EXHIBIT "B"

PROJECT NO.:	15-2080	CLIENT:	TERRA, LLC
DRAWN BY:	BUDEL		
FILENAME:	OVERALL VACATION EXHIBIT		
SCALE:	1" = 250'	SHEET TITLE:	VACATION EXHIBIT EAST POINTE BUSINESS PARK LOT 26 - SECTION 4 & LOT 12 - SECTION 6 EVANSVILLE, IN 47715
DATE:	4/14/2016		

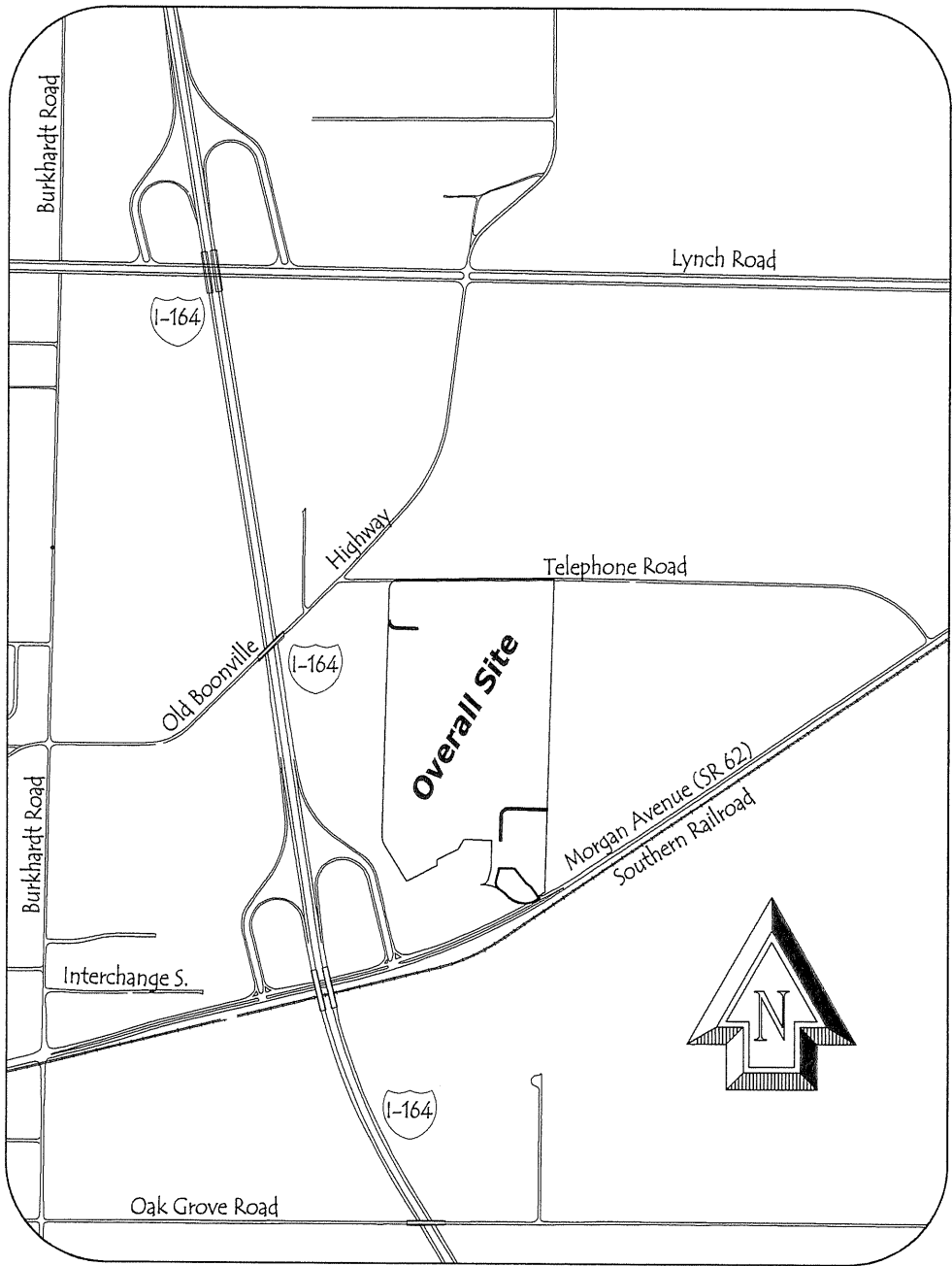


**CASH WAGGNER
& ASSOCIATES**
CONSULTING ENGINEERS LAND SURVEYORS
WWW.CASHWAGGNER.COM

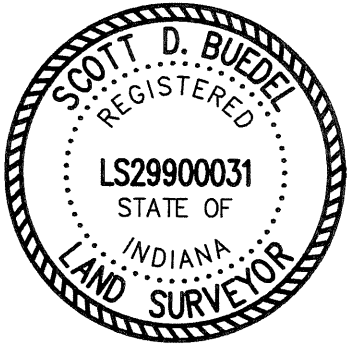
414 CITADEL CIRCLE
SUITE B
EVANSVILLE, IN 47715
PH: 812.401-5561
FAX: 812.401-5563

ADJOINER INFORMATION

1	82-07-18-012-181.001-027 DIEGO ONE, LLC 323 S. Wayne Ave. Cincinnati, OH 45215	4	82-07-18-012-185.001-027 NICHOLS ELECTRIC SUPPLY, INC P.O. Box 5516 Evansville, IN 47716
2	82-07-18-012-181.002-027 DIEGO ONE, LLC 323 S. Wayne Ave. Cincinnati, OH 45215	5	82-07-18-012-183.003-027 MSSJ, LLC 2330 Lynch Rd. Evansville, IN 47711
3	82-07-18-012-181.003-027 DIEGO ONE, LLC 323 S. Wayne Ave. Cincinnati, OH 45215	6	82-07-18-017-166.001-027 STERLING PROPERTIES, LLC P.O. Box 8004 Evansville, IN 47716

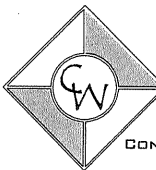


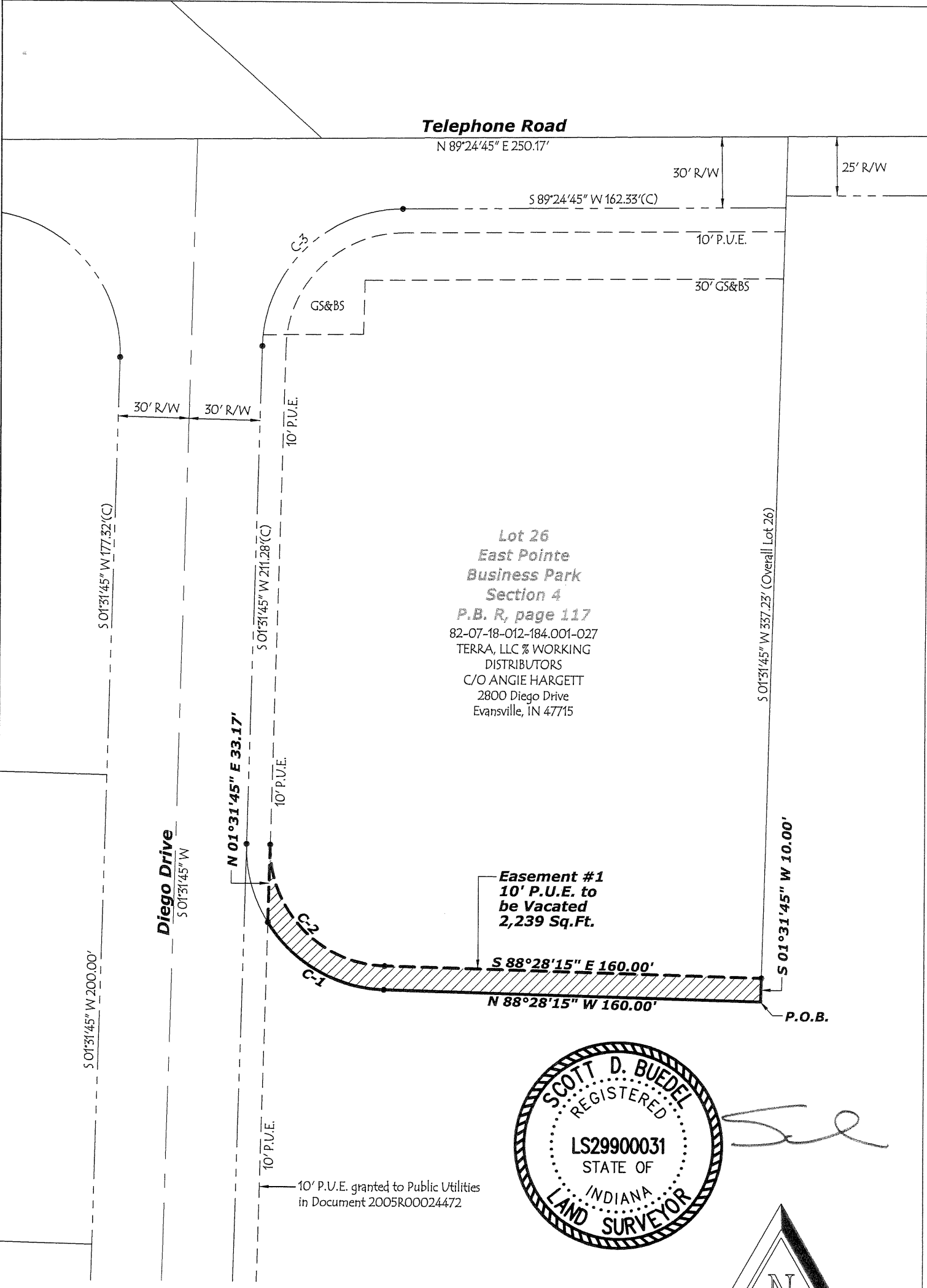
Location Map (No Scale)



SHEET 2 OF 4

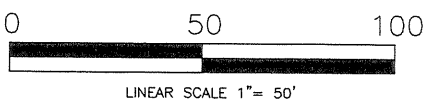
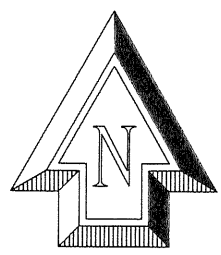
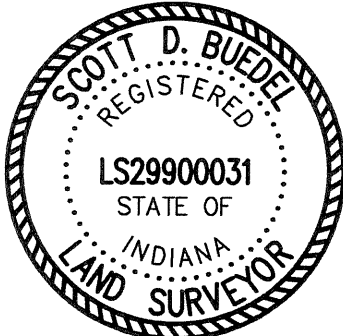
EXHIBIT "B"

PROJECT NO.: 15-2080	CLIENT	TERRA, LLC		CASH WAGGNER & ASSOCIATES	414 CITADEL CIRCLE SUITE B EVANSVILLE, IN 47715 PH: 812.401-5561 FAX: 812.401-5563	
DRAWN BY: BUEDEL						
FILENAME: OVERALL VACATION EXHIBIT		VACATION EXHIBIT				
SCALE: 1" = 250'		EAST POINTE BUSINESS PARK LOT 26 - SECTION 4 & LOT 12 - SECTION 6				
DATE: 4/14/2016		EVANSVILLE, IN 47715				



Lot 26
East Pointe
Business Park
Section 4
P.B. R, page 117
82-07-18-012-184.001-027
TERRA, LLC % WORKING
DISTRIBUTORS
C/O ANGIE HARGETT
2800 Diego Drive
Evansville, IN 47715

Easement #1
10' P.U.E. to
be Vacated
2,239 Sq.Ft.



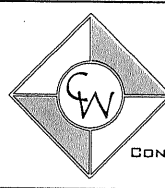
Curve Data

NUMBER	DELTA ANGLE	CHORD DIRECTION	TANGENT	RADIUS	ARC LENGTH	CHORD LENGTH
C-1	56°26'34"	N 60°14'58" W	32.20	60.00	59.11	56.75
C-2	90°00'00"	S 43°28'15" E	50.00	50.00	78.54	70.71
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SHEET 3 OF 4

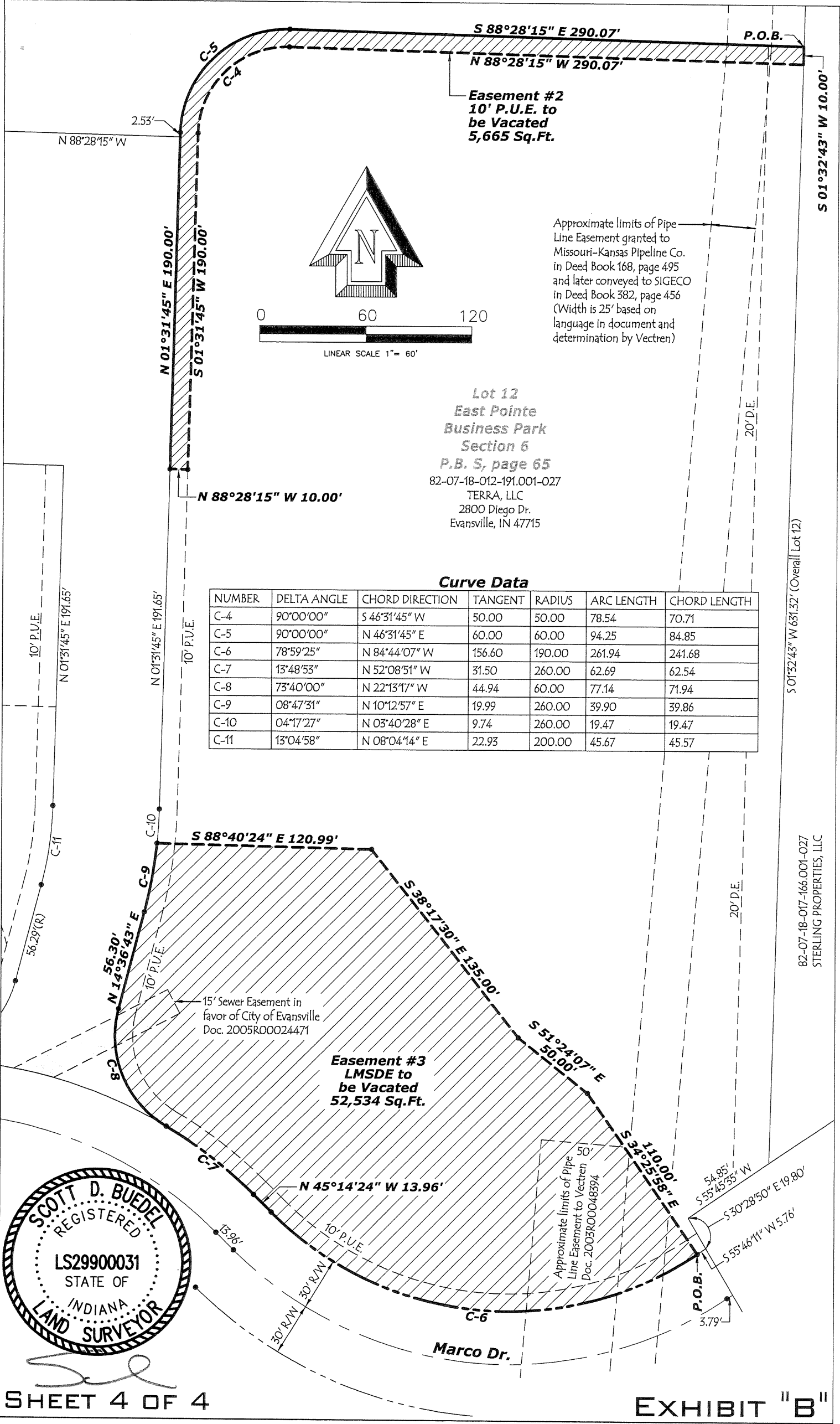
EXHIBIT "B"

PROJECT NO.:	15-2080	CLIENT	TERRA, LLC
DRAWN BY:	BUEDEL		
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SHEET TITLE	VACATION EXHIBIT EAST POINTE BUSINESS PARK LOT 26 - SECTION 4 & LOT 12 - SECTION 6 EVANSVILLE, IN 47715		



**CASH WAGGNER
& ASSOCIATES**
CONSULTING ENGINEERS LAND SURVEYORS
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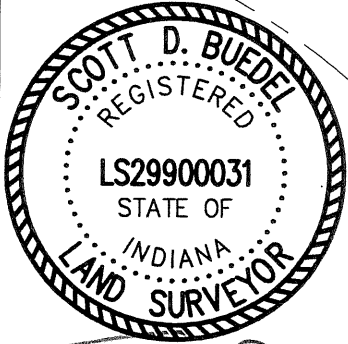
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Lot 12
East Pointe
Business Park
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TERRA, LLC
2800 Diego Dr.
Evansville, IN 47715

Curve Data

NUMBER	DELTA ANGLE	CHORD DIRECTION	TANGENT	RADIUS	ARC LENGTH	CHORD LENGTH
C-4	90°00'00"	S 46°31'45" W	50.00	50.00	78.54	70.71
C-5	90°00'00"	N 46°31'45" E	60.00	60.00	94.25	84.85
C-6	78°59'25"	N 84°44'07" W	156.60	190.00	261.94	241.68
C-7	13°48'53"	N 52°08'51" W	31.50	260.00	62.69	62.54
C-8	73°40'00"	N 22°13'17" W	44.94	60.00	77.14	71.94
C-9	08°47'31"	N 10°12'57" E	19.99	260.00	39.90	39.86
C-10	04°17'27"	N 03°40'28" E	9.74	260.00	19.47	19.47
C-11	13°04'58"	N 08°04'14" E	22.93	200.00	45.67	45.57





134 NW Sixth Street
Evansville, Indiana 47708

May 9, 2016

Scott Buedel
Cash Waggnner & Associates, PC
414 Citadel Circle, Suite B
Evansville, Indiana 47715

RE: Vacation of a portion of a 10-foot Public Utility Easement on Lot 26 in East Pointe Business Park, Section 4, and the vacation of a portion of a 10-foot Public Utility Easement and a Lake Maintenance and Storm Drainage Easement on Lot 12 in East Pointe Business Park, Section 6.

Scott,

AT&T Indiana has no objection to the vacation of the aforementioned easements, commonly known as 3019 Diego Drive and 7520 Marco Drive. AT&T Indiana has no facilities therein.

Please email or call me at 812/464-6050 if you have questions.

Regards,

A handwritten signature in black ink, appearing to read "Marc Clark".

Marc Clark
AT&T Design Engineer
mc3429@att.com



LLOYD WINNECKE
MAYOR

EVANSVILLE WATER & SEWER UTILITY

ALLEN R. MOUNTS
DIRECTOR

1 NW Martin Luther King Blvd. Room 104 • Evansville, Indiana 47708
P O Box 19, Evansville, Indiana 47740-0001
(812) 436-7846 • FAX (812) 436-7863 • TDD (812) 436-7864

May 11, 2016

Mr. Scott D. Buedel, PLS
414 Citadel Circle, Suite B
Evansville, IN 47715

Re.: Proposed Vacation – A portion of a 10-foot Public Utility Easement on Lot 26 in East Pointe Business Park, Section 4 and the vacation of a portion of a 10-foot Public Utility Easement and a Lake Maintenance and Storm Drainage Easement on Lot 12 in East Pointe Business Park, Section 6

Mr. Buedel,

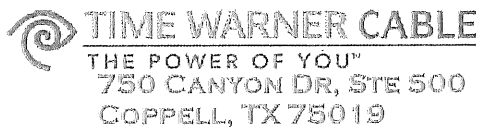
This letter is in response to your request to vacate various locations referenced above. The Evansville Water and Sewer Utility (EWSU) has no reservations as part of this vacation request.

If you have any questions, please call me at 421-2130 x2228.

Sincerely,

A handwritten signature in cursive script that reads "Michael D. Labitzke".

Michael D. Labitzke, PE
Deputy Director of Utilities - Engineering



April 27, 2016

Scott D. Buedel
Cash Waggoner & Associates
414 Citadel Circle, Suite B
Evansville, IN 47715

SUBJECT: Cash Waggoner & Assoc. - East Point Business Park - Easement 1 of 3

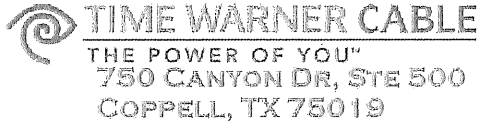
We have reviewed your request for the above referenced Utility Easement, and Time Warner Cable (TWC) hereby approves the abandonment of the specified area south of the intersection of Diego Dr & Telephone Rd in Evansville, IN.

If applicable, please contact the INDIANA Excavation Safety System (INDIANA 811) to have facilities marked & located within affected easements before any excavations are started.

For future reference, please send all utility coordination, abandonments, encroachments, plat signatures, or serviceability requests, or notices of relocation to west-engineering-relo@twcable.com. Please share this information with whoever needs these services.

Sincerely,

Lisa Law
Manager of Data Operations
Time Warner Cable
750 Canyon Drive
Coppell, TX 75019
1-972-537-5323



April 27, 2016


Scott D. Buedel
Cash Waggner & Associates
414 Citadel Circle, Suite B
Evansville, IN 47715

SUBJECT: Cash Waggner & Assoc. - East Point Business Park - Easement 2 & 3 of 3

We have reviewed your request for the above referenced Utility Easement, and Time Warner Cable (TWC) hereby approves the abandonment of the specified two areas east of the intersection of Marco Dr & Diego Dr in Evansville, IN.

If applicable, please contact the INDIANA Excavation Safety System (INDIANA 811) to have facilities marked & located within affected easements before any excavations are started.

For future reference, please send all utility coordination, abandonments, encroachments, plat signatures, or serviceability requests, or notices of relocation to west-engineering-relo@twcable.com. Please share this information with whoever needs these services.

Sincerely,

Lisa Law
Manager of Data Operations
Time Warner Cable
750 Canyon Drive
Coppell, TX 75019
1-972-537-5323



Vectren Corporation
P.O. Box 209
Evansville, IN 47702-0209

April 19, 2016

Cash Wagner & Associates, PC
Attn: Scott Buedel, PLS
414 Citadel Circle, Suite B
Evansville, IN 47715

Re: Proposed vacation of a portion of a 10' public utility easement located on Lot 26 in East Pointe Business Park, Section 4 and the vacation of a portion of a 10' public utility easement and lake maintenance and storm drainage easement located on Lot 12 in East Pointe Business Park, Section 6, all being in Vanderburgh County, Indiana, and being further described on the attached exhibits.

Petitioner: Terra, LLC

Dear Mr. Buedel:

Engineering representatives for Southern Indiana Gas and Electric Company, Inc. doing business as Vectren Energy Delivery of Indiana ("VEDI") have researched the above location requested for vacation and has determined that there is no objection to the proposed vacate of the subject right of way shown on the attached exhibits that you provided us.

In view of these findings VEDI has no objection to the proposed Petition to vacate a portion of the subject public right of way as referenced herein and as described on the Exhibits attached hereto.

The consent granted by VEDI for said vacation is valid for ninety (90) days. This is due to the constant installation of our facilities at numerous locations. If this vacation request is not petitioned and passed by the Common Council within this time period, this letter becomes invalid, requiring a new study to be done by VEDI.

Please forward to my attention a copy of the recorded ordinance upon passing for our records.

Sincerely,

Colby Morris, SR/WA
Land Services, Right of Way Agent III
Vectren Energy Delivery of Indiana
(812) 491-4785



It's that kind of experience.

May 19, 2016
Cash Waggoner & Associates, PC
414 Citadel Circle, Suite B
Evansville, IN 47715

Attn: *Scott Buedel*

RE: Vacation of a portion of a 10-foot PUE on lot 26 in East Pointe Business Park, Section 4 and the vacation of a portion of a 10-foot PUE and a Lake Maintenance and Storm Drainage Easement on Lot 12 in East Pointe business Park, Section 6

Dear Mr. Buedel,

The SIGECOM/WOW Outside Plant Engineering department reviewed the drawing that was attached to your letter dated 10/09/2015. The findings of this review determined that SIGECOM/WOW does not have facilities within 10-foot PUE on lot 26 in East Pointe Business Park, Section 4 and the vacation of a portion of a 10-foot PUE and a Lake Maintenance and Storm Drainage Easement on Lot 12 in East Pointe business Park, Section 6 Evansville, Indiana.

As a result of these findings, SIGECOM/WOW does not have any objection to the vacate proposal for the 10-foot PUE on lot 26 in East Pointe Business Park, Section 4 and the vacation of a portion of a 10-foot PUE and a Lake Maintenance and Storm Drainage Easement on Lot 12 in East Pointe business Park, Section 6 Evansville, Indiana. This letter granted by SIGECOM/WOW for said vacation is valid for one hundred and eighty (180) days. If the Evansville City Council passes this vacation request, I would like to receive a copy of the recorded ordinance to be used for the purpose of updating our records.

Please contact my office should you have any questions or need any additional information.

Sincerely,

Tom Cheski
Construction Engineer
WOW! Internet-Cable-Phone
Office – 812-437-0395
Mobile – 812-470-4572
Email – thomas.cheski@wowinc.com



City Engineer's Office
CIVIC CENTER COMPLEX, ROOM 321
1 N.W. MARTIN LUTHER KING, JR BLVD.
EVANSVILLE, INDIANA 47708-1875
Phone: (812) 436-4990 FAX: (812) 436-4976
TDD/Hearing Impaired (812) 436-4934

LLOYD WINNECKE
MAYOR

BRENT A. SCHMITT, P.E.
CITY ENGINEER

May 24, 2016

Scott D. Buedel, PLS
Cash Waggner & Associates
414 Citadel Circle, Suite B
Evansville, IN 47715

Re: Your request for comments to proposed vacations.

Dear Scott,

With regards to your vacation comment request and supplied documents (attached for reference), the following comments are provided:

- The City Engineer/BPW is not a registered Public Utility and therefore has no rights associated with your described Easement #1 and Easement #2. As such we have no comment regarding their proposed respective vacations.
- With regard to your Easement #3, please note that your current drainage plan for Terre Vista indicates that "Swale #17" runs through Lot 106 (aka Lot 12 of East Pointe Business Park) – see attached partial copy of the drainage plan. That swale terminates at the end section of an existing pipe that appears to extend beyond the ROW of Marco Drive.

Since you have committed to establishing a drainage easement to carry the flow from the outlet structure and emergency spillway of the basin north of the subject lot, as indicated on your exhibits (attached), our office has no issue with the proposed vacation. The proposed DE will need to be shown on the final plat for recording.

- Any plans for future improvements in this area will require the necessary submittals, approvals, and permitting procedures.

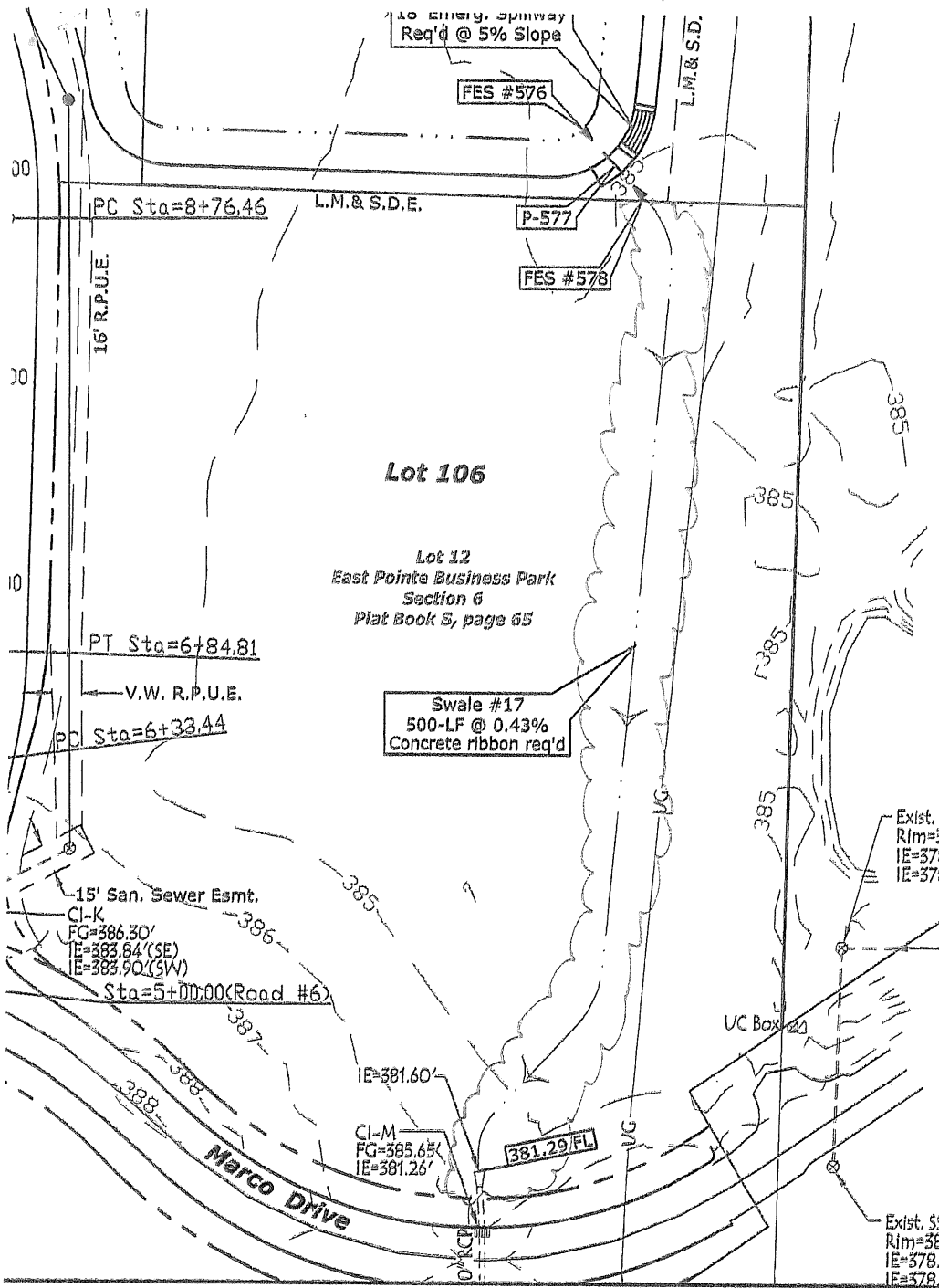
Thank you and please feel free to contact me if you have any questions.

Sincerely,

City Engineer's Office

A handwritten signature in black ink, appearing to read "Chris Weil", is written over a horizontal line.

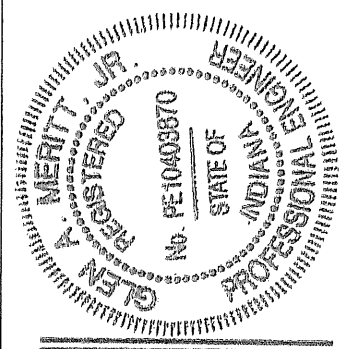
By: Chris Weil, P.E., Assistant City Engineer
Attachments
Cc: File



This drawing and/or specifications is provided as an instrument of service provided by Cash Waggoner & Associates, P.C. and is intended for use on this project only. All drawings, specifications, designs, models, ideas, calculations, and arrangements appearing herein constitutes the original and unpublished work of and remains the property of Cash Waggoner & Associates, P.C. Any reproduction, use or disclosure of the proprietary information contained herein without the prior written consent of the Cash Waggoner & Associates, P.C. is strictly prohibited.

Written dimensions shown hereon shall take precedence over scaled dimensions. Contractors shall calculate and measure required dimensions. Notify Cash Waggoner & Associates, P.C. with any variations in dimensions or conditions from those indicated on these drawings. This drawing was based on available information. Commencement of Work constitutes verification and acceptance of existing conditions.

Application of a material or equipment to Work installed by others constitutes acceptance of that Work and assumption of responsibility for satisfactory installation.



Glen A. Meritt, Jr.
SIGNATURE

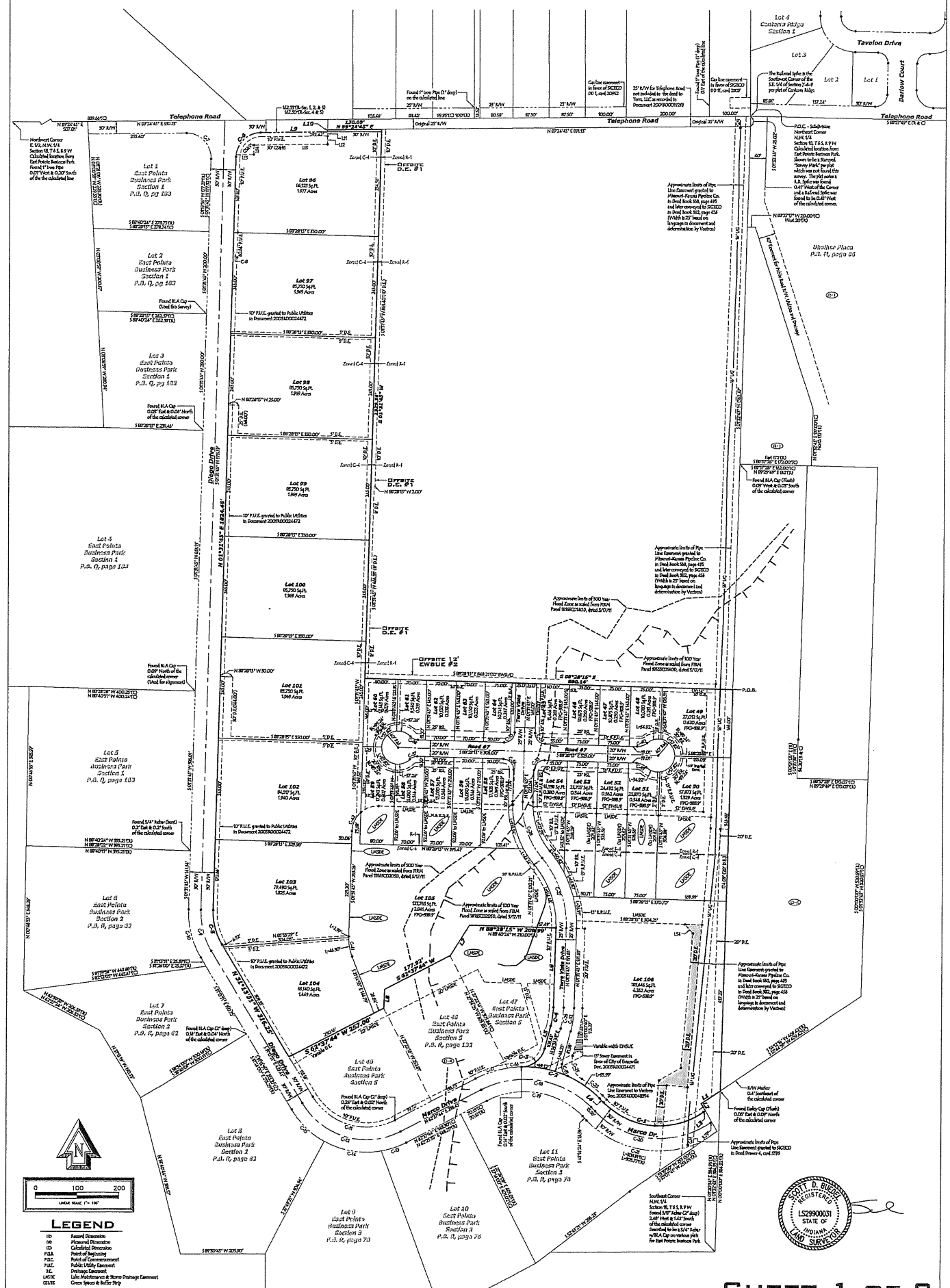
TERRA VISTA SECTION 1

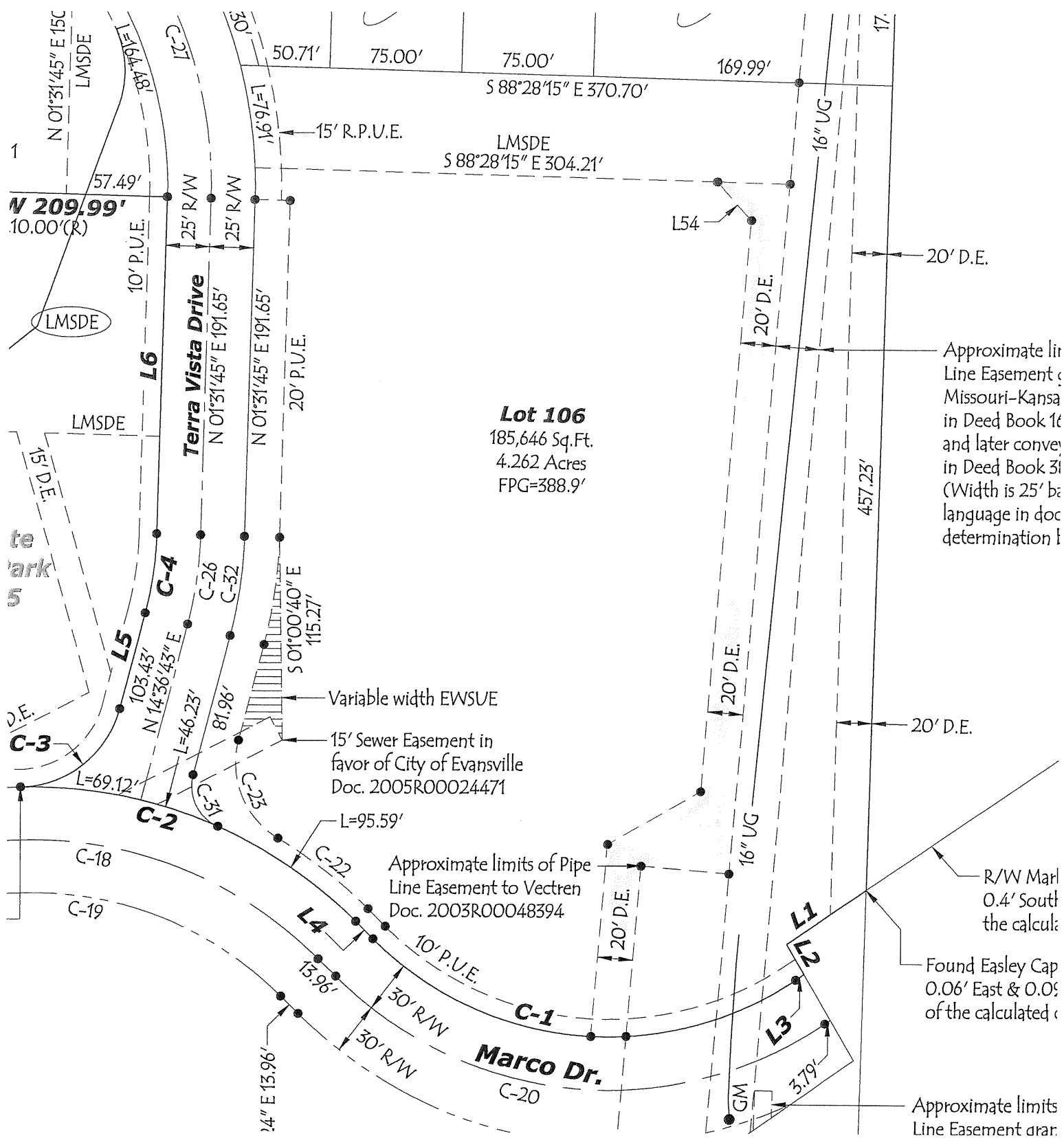
DAY ENTERED FOR TAXATION SUBJECT
TO FINAL ACCEPTANCE FOR TRANSFER

DATE _____
BRIAN GERTH AUDITOR
PAGE _____
INSTR. _____
PLAT BOOK _____
Z TULEY RECORDER
VANDERBURGH COUNTY

RECEIVED FOR RECORD

DATE _____
PLAT BOOK _____
PAGE _____
INSTR. _____
Z TULEY RECORDER
VANDERBURGH COUNTY





Scott Buedel

From: Cruse, Jim <jcruse@evansville.in.gov>
Sent: Thursday, May 05, 2016 9:43 AM
To: Scott Buedel
Cc: 'Bruce Biggerstaff Sr. (Bruce@bmbnewburgh.com)'
Subject: RE: East Pointe Business Park

Scott,

City of Evansville/Traffic Engineering Department has no existing traffic equipment within your proposed vacation area and no plans for any future traffic equipment/ line installations. City of Evansville/Traffic Engineering has **No Objections** to your proposed East Pointe Business Park/Terra Vista Subdivision vacation request.

Sincerely,

James Cruse, Supervisor
Traffic Engineering Department
1304 Waterworks Rd.
Evansville, IN 47713
Office: 812 435-6003
Fax: 812 436-5771
Email: jcruse@evansville.in.gov

From: Scott Buedel [<mailto:SBuedel@cashwaggner.com>]
Sent: Thursday, May 05, 2016 9:10 AM
To: Cruse, Jim <jcruse@evansville.in.gov>
Cc: 'Bruce Biggerstaff Sr. (Bruce@bmbnewburgh.com)' <Bruce@bmbnewburgh.com>
Subject: East Pointe Business Park

James,

Attached are copies of documents I sent out on April 14th requesting a return letter stating if you do or do not have an objection to a proposed vacation.

This is one of the last letters we need to be able to file this with the City and start the vacation process.

To save time your letter can be sent back to me as a PDF.

Let me know if you need anything else. Thanks for taking care of this.

SCOTT D. BUEDEL, PLS
CASH WAGGNER & ASSOCIATES, PC
414 CITADEL CIRCLE, SUITE B
EVANSVILLE, IN 47715
PH: 812-401-5561
FAX: 812-401-5563
CELL: 812-774-2987



LLOYD WINNECKE
MAYOR

MIKE CONNELLY
FIRE CHIEF

550 S.E. Eighth St. • Evansville, IN 47713-1786
(812) 435-6235 • FAX: (812) 435-6248 • TDD/Hearing Impaired: (812) 436-4925

Date 4/20/16

Mr. Buedel
Cash Waggner & Associates
414 Citadel Circle, Suite B
Evansville, IN 47715

RE: Petition for Vacation of Right-of-Way – Public Utility Easement listed below:

Mr. Buedel:

We recognize and acknowledge your request for Vacation public easement of the following street and/or alley referenced on the vacation diagrams, City of Evansville Indiana:

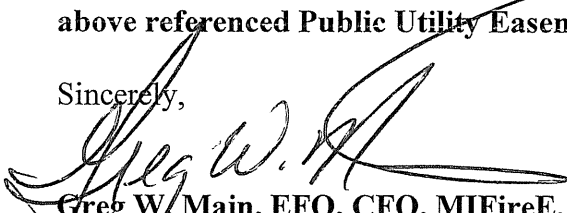
- 1) Vacation of a portion of 10-foot Public Utility Easement on lot 26 in East Pointe Business Park, Section 4 and the vacation of a portion of a 10-foot Public Utility and Lake Maintenance and Storm Drainage Easement on Lot 12 in East Pointe Business Park, Section 6.

Existing Conditions: Public Utility Easement

Effect of Vacation on Fire Department: None

Recommendations: The Evansville Fire Department has no objection in vacation of above referenced Public Utility Easement.

Sincerely,



Greg W. Main, EFO, CFO, MIFireE, MS
Chief Fire Marshal
Fire Prevention & Investigation
Evansville Fire Department
550 SE 8th Street
Evansville, IN 47713
812.436.4464

